IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.2536 of 2005
with
Criminal Application No. 2537 of 2005

The State of Maharashtra .. Applicant.

vs

Mahammad Sattar Patel and Ors ... Respondents.

Smt. V.R. Bhonsale Addl P.P. for respondent.
Mr. S.V. Dadavarte for respondent nos.1 to 6

CORAM: V.G.PALSHIKAR,Acg C.J. ,&
SMT. NISHITA MHATRE, J.
DATE: SEPTEMBER 20, 2006.

P.C.:

By this application State questioned the order of acquittal passed by the Sessions Judge, Kolhapur. The learned Judge acquitted all the accused of the offence punishable under sections 143, 147, 148, 326 read with 149 of I.P.C. Following reasons are given by the learned judge for acquitting the accused

1) The prosecution has failed to explain why the accused nos 1 and 4 sustained injuries.

2) The recovery of sword was disbelieved as doubtful and, therefore,. the learned judge was of the opinion that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt.

These reasons were ade1qute for an order of acquittal. Hence no interference is called for. Application is rejected.